

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CASEY CUNNINGHAM, CHARLES E. LANCE,
STANLEY T. MARCUS, LYDIA PETITIS, AND
JOY VERONNEAU, individually and as
representatives of a class of participants and
beneficiaries on behalf of the Cornell University
Retirement Plan for the Employees of the Endowed
Colleges at Ithaca and the Cornell University Tax
Deferred Annuity Plan,

Plaintiffs,

v.

CORNELL UNIVERSITY, THE RETIREMENT
PLAN OVERSIGHT COMMITTEE, MARY G.
OPPERMAN, AND CAPTRUST FINANCIAL
ADVISORS, LLC,

Defendants.

Case No. 16-CV-6525 (PKC)

**DECLARATION OF SCOTT MATHESON IN SUPPORT OF CAPTRUST'S
MOTION TO FILE UNDER SEAL**

I, Scott Matheson, declare that the following is true and correct:

1. I am the Managing Director of the Consulting Solutions Group for CapFinancial Partners, LLC, d/b/a CAPTRUST Financial Advisors ("CAPTRUST"). I submit this declaration in support of CAPTRUST'S Motion to File Under Seal.

2. CAPTRUST seeks to maintain under seal all or part of five documents filed by Cornell University, the Retirement Plan Oversight Committee, and Mary G. Opperman (collectively, "Cornell") in support of Cornell's motion for summary judgment and its related motions to exclude Plaintiffs' experts.

3. These five documents include information that CAPTRUST considers

confidential and proprietary. Each of these documents contains non-public information about the retirement plans of CAPTRUST university clients other than Cornell, as well as the fees those plans have paid for recordkeeping services.

4. CAPTRUST maintains the information in these five documents as confidential. In addition, CAPTRUST is required by the expectations of its clients and CAPTRUST's Code of Ethics to maintain client-confidential information, such as the material in these documents, in confidence.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 11, 2019.


Scott Matheson